

Appln No. 09/627,571
Amdt date January 20, 2006
Reply to Office action of September 20, 2005

REMARKS/ARGUMENTS

Claims 1-36 are currently pending in this application. Claims 1-8, 11-17, 20-23, 25-27, 31, and 33-36 have been amended. The amendments find full support in the original specification, claims, and drawings. No new matter has been added. In view of the above amendments and remarks that follow, an early indication of allowance of claims 1-36 are respectfully requested.

The Examiner objects to claims 1-24 and 26-36 due to certain informalities. Applicant submits that the amendments to claims 1, 3-4, 11, 13, 17, 20, 21, 27, 31, and 33-36 now overcome the objection. Withdrawal of the objection is respectfully requested.

Claims 2-8, 13-17, 20-29, and 34-35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. With respect to the rejection of claim 20, it appears that the Examiner is contending that this claim is indefinite for failing to state the relationship of the recited "impairment compensator" and the "constellation points." However, claim 20 recites "the impairment compensator selecting . . . constellation points based on one or more of the characteristic groups." The relationship is therefore clearly expressed in the claim. If, however, the Examiner contends that claim 20 is indefinite as overly broad, M.P.E.P. § 2173.04 indicates that breadth is not to be equated with indefiniteness. The scope of the subject matter embraced by claim 20 is clear, and Applicant has not otherwise indicated that the intends the invention to be of a scope different from that defined in the claims. Accordingly, the rejection of claim 20 under 35 U.S.C. 112, second paragraph, should be withdrawn.

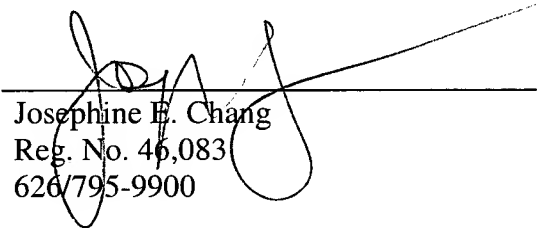
With respect to the remaining claims, Applicant submits that the amendment to the claims overcome this rejection. Withdrawal of the rejection under 35 U.S.C. 112, second paragraph is respectfully requested.

Appln No. 09/627,571
Amdt date January 20, 2006
Reply to Office action of September 20, 2005

The Examiner indicated that claims 1-36 contained allowable subject matter. Accordingly, in view of the above amendments and remarks, Applicant respectfully requests an early indication of allowance of claims 1-36.

Respectfully submitted,
CHRISTIE, PARKER & HALE, LLP

By



Josephine E. Chang
Reg. No. 46,083
626/795-9900

JEC/lal
JEC PAS647495.1-* -01/20/06 2:47 PM